

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Corrigent Corporation,

Plaintiff,

v.

Cisco Systems, Inc.,

Defendant.

Civil Action No. 6:22-cv-00396-ADA

JURY TRIAL DEMANDED

**JOINT NOTICE IDENTIFYING REMAINING OBJECTIONS TO PRETRIAL
DISCLOSURES AND DISPUTES ON MOTIONS *IN LIMINE***

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, W.D. Tex. Local Rule CV-16, the Court’s Amended Standing Order on Pretrial Procedures and Requirements in Civil Cases (dated May 23, 2023), and the Court’s Ninth Amended Scheduling Order (ECF No. 168), Plaintiff Corrigent Corporation (“Plaintiff” or “Corrigent”) and Defendant Cisco Systems, Inc. (“Defendant” or “Cisco”) submit this joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine* in this case in advance of the Final Pretrial Conference scheduled for May 30, 2024. Jury selection and Trial are scheduled for July 8, 2024.

Corrigent’s objections to Cisco’s witness list are attached as **Exhibit A**.

Cisco’s objections to Corrigent’s witness list are attached as **Exhibit B**.

The parties note the following disputes in the pre-trial order, jury instructions, verdict form, voir dire, and juror questionnaire:

- Pre-trial Order (Dkt. 266), pp. 19–20, Section XV, Order of Presentation
- Exhibits 10 & 11 (Dkt. 266-10 and 266-11), Preliminary Jury Instructions

- Preliminary Instruction No. 7 (“Burden of Proof – Clear and Convincing Evidence”)
- Exhibits 12 & 13 (Dkt. 266-12 and 266-13), Final Jury Instructions
 - Final Jury Instruction No. 16 (“Clear and Convincing Evidence”)
 - Final Jury Instruction No. 22 (“Indirect Infringement—Active Inducement”)
 - Final Jury Instruction No. 23 (“Invalidity Generally”)
- Exhibit 14 (Dkt. 266-14), Verdict Form, Question 3 (“Damages”)
- Exhibit 15 (Dkt. 266-15), Voir Dire, p. 7, Questions 22 and 23
- Exhibit 16 (Dkt. 266-16), Juror Questionnaire, pp. 4–6

The following chart compiles the pending motions *in limine* in this case.

No.	PENDING MOTIONS	ECF NOS.
Plaintiff Corrigent Corporation’s Motions <i>in Limine</i> (MILs)		
1	Plaintiff Corrigent Corporation’s MIL NO. 1: Exclude All Evidence and Arguments Regarding Unclean Hands	250, 251, 257
2	Plaintiff Corrigent Corporation’s MIL NO. 2: Exclude Improper Lay Witness Infringement and Invalidity Opinions	250, 251, 257
3	Plaintiff Corrigent Corporation’s MIL NO. 3: Exclude Undisclosed Non-Infringement and Invalidity Theories	250, 251, 257
4	Plaintiff Corrigent Corporation’s MIL NO. 4: Exclude Evidence or Arguments Regarding The Prosecution Histories	250, 251, 257
5	Plaintiff Corrigent Corporation’s MIL NO. 5: Exclude Evidence, Testimony, or Arguments Regarding Cisco’s Patents	250, 251, 257
Defendant Cisco Systems, Inc.’s Motions <i>in Limine</i> (MILs)		
6	Defendant Cisco Systems, Inc.’s Motion <i>in Limine</i> # 1: Exclude the written hearsay statements from Lior Dagan and Aviv Boim—prepared just months ago for the purposes of this litigation—and any argument or opinions that rely on them.	252, 253, 259, 260
7	Defendant Cisco Systems, Inc.’s Motion <i>in Limine</i> # 2: Exclude pre-suit correspondence except as related to the ’485 patent, because Corrigent	252, 253, 259, 260

No.	PENDING MOTIONS	ECF NOS.
	dismissed its claims of pre-suit indirect and willful infringement as to all other patents-in-suit.	
8	Defendant Cisco Systems, Inc.'s Motion <i>in Limine</i> # 3: Exclude evidence relating to Cisco's unaccused products, including testimony from Dr. Akl that Cisco's unaccused DNA software infringes, contributes to infringement, or satisfies a claim element of any asserted patent and testimony from Mr. Bratic regarding damages calculations that include DNA software revenue in the damages base.	252, 253, 259, 260
9	Defendant Cisco Systems, Inc.'s Motion <i>in Limine</i> # 4: No reference to Party's or Party's counsel's prior work with experts in other cases.	252, 253, 259, 260
10	Defendant Cisco Systems, Inc.'s Motion <i>in Limine</i> # 5: No reference to the presumption of validity and the clear and convincing evidence standard that is beyond what is stated in the jury instructions.	252, 253, 259, 260

Dated: May 14, 2024

Respectfully submitted,

By: /s/ Brian A. Rosenthal (with permission)

By: /s/ James R. Nuttall

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**pro hac vice admission*

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 14th day of May, 2024, with a copy of this document via the Court's CM/ECF system.

/s/ James R. Nuttall
James R. Nuttall